

REMARKS

Applicant respectfully requests favorable reconsideration of this application.

Claims 1, 3-7, 9-12, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shoda et al. (USP 7,416,216). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoda et al. Claim 8 stands rejected over Shoda et al. in view of Grosse-Entrup (USP 4,103,514). Claim 13 stands rejected over Shoda et al. in view of Breese (USP 6,761,503).

The rejections based on the Shoda patent are respectfully traversed, as the Shoda patent fails to qualify as prior art under 35 U.S.C. § 102(e). The Shoda patent is a national stage of International Application No. PCT/JP03/15222, which was published as International Publication No. WO 2004/050453 in Japanese. As the International Application was not published in English, the international filing date cannot be relied on as the filing date of the Shoda patent for § 102(e) purposes. See MPEP § 706.02(f)(1). Accordingly, the outstanding rejections are improper and should be withdrawn.

In addition, Applicant is submitting herewith a certified English translation of the priority Japanese application in order to perfect Applicant's right of foreign priority in the instant application. Note that Applicant's

earliest priority date precedes the publication date of International Publication No. WO 2004/050453.

Applicant therefore respectfully requests that the outstanding rejections be withdrawn and this application now be passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10623) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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